IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 2641 of 2006

Date of Decision : 20.08.2007

Rajiv Pathak.

.... Appellant

Versus

Umesh Kumar and others.

... Respondents

CORAM : HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Harender Singh, Advocate,
for Mr. Harkesh Manuja, Advocate,
for the appellant.

None for respondent Nos. 1 and 2.

Mr. R.C. Kapur, Advocate,
for respondent No.3.

S.D. Anand, J.

C.M. No. 12285 of 2006

Heard. In view of the fact that the averments in the course of the application are affidavit-supported, the delay of 201 days in filing the appeal shall stand condoned.

FAO No. 2641 of 2006

In the present plea preferred by the claimant-appellant for enhancement of the compensation, the learned counsel for the Insurance Company states that he has no objection if the compensation awarded is enhanced by Rs.20,000/-. The learned counsel made that averment when he was confronted with the record-based fact that the claimant-appellant

suffered fractures on both bones of right leg which must have disabled him for a fairly long period of time. It is also in the evidence that a rod had to be inserted. The statement made by the learned counsel, though in recognition of the facts available on record, is magnanimous.

The learned counsel for the appellant did initially make a feeble attempt to argue in favour of larger enhancement but when he was confronted with the complete want of evidence in the relevant behalf, he volunteered to agree with the averment made by the learned counsel for the Insurance Company.

The appeal shall stand allowed accordingly to the extent that it is ordered, on consensual basis, that the compensation of Rs. 32,445/- shall stand enhanced by Rs.20,000/-. The claimant-appellant shall, thus, be entitled to a total compensation of Rs. 52,445/-. Except on point of the enhancement of compensation, the other findings recorded by the learned Tribunal shall stand affirmed. The appellant shall be entitled to the interest awarded by the learned Tribunal. The claimant-appellant would be entitled to interest on the enhanced amount of compensation only w.e.f. 30.09.2007, if the compensation is not paid by that time.

August 20, 2007 (S.D. Anand)
vkd Judge